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17 TENET BENEFITS ADMINISTRATION
18 COMMITTEE

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA

21 EDEN SURGICAL CENTER, a
22 California medical corporation,

23 Plaintiff,

24 vs.

25 TENET HEALTHCARE
26 CORPORATION, C/O TENET
27 BENEFITS ADMINISTRATION
28 COMMITTEE, in its capacity as plan
administrator; TENET BENEFITS
ADMINISTRATION COMMITTEE,

Defendants.

Case No. CV09 07156 FMO

**DEFENDANT TENET BENEFITS
ADMINISTRATION COMMITTEE'S
NOTICE OF MOTION AND
MOTION OF FOR SUMMARY
JUDGMENT**

Date: June 2, 2010
Time: 10:00 a.m.
Place: Courtroom F

1 TO PLAINTIFF AND TO ITS ATTORNEY OF RECORD:

2 PLEASE TAKE NOTICE that on June 2, 2010, at 10:00 a.m., or as soon
3 thereafter as the matter may be heard in Courtroom F of the above-entitled court
4 located at 312 North Spring Street, Los Angeles, California, Defendant Tenet
5 Benefits Administration Committee will move for summary judgment pursuant to
6 Federal Rule of Civil Procedure 56, as follows:

7 1. Plaintiff's claim for penalties for alleged document disclosure violations
8 under 29 U.S.C. § 1132(a)(1)(A) fails because Plaintiff does not have standing.

9 2. Plaintiff's claim for penalties for alleged document disclosure violations
10 under 29 U.S.C. § 1132(a)(1)(A) fails because Defendant has furnished to Plaintiff all
11 documents that must be furnished under the statute.

12 3. Plaintiff's claim for penalties for alleged document disclosure violations
13 under 29 U.S.C. § 1132(a)(1)(A) fails because no statutory penalties are warranted.

14 This Motion will be based upon this Notice of Motion and Motion, the
15 Memorandum of Points and Authorities, the Declarations of Lynn Iba and Monica
16 M. Quinn, the Statement of Uncontroverted Facts and Conclusions of Law, the
17 Request for Judicial Notice, each of which is filed concurrently herewith, the
18 complete records and files of this Court on this matter, and upon such other
19 evidence and argument as may be presented at the hearing on the Motion.

20 This Motion is made following the conference of counsel pursuant to Local
21 Rule 7-3, which took place on February 2, 2010. Quinn Decl. ¶ 2.

22 Dated: April 21, 2010

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
SAMUEL H. STEIN
MONICA M. QUINN

23 By: /s/ - Monica M. Quinn

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27 TENET BENEFITS
28 ADMINISTRATION COMMITTEE